



California Fair Political Practices Commission

December 27, 1989

Daniel E. Stone
Rossmoor Community Services District
3232 Hedwig Road
Rossmoor, CA 90720

Re: Your Request for Informal Assistance
Our File No. I-89-670

Dear Mr. Stone:

This is in response to your letter requesting advice on behalf of Rossmoor Community Services District Board Member Gustave Brickman regarding the mass mailing provisions of the Political Reform Act (the "Act").¹ Because your request is more of a general inquiry than a request for advice as to a specific action pending before the board, we treat your request as one for informal assistance.²

QUESTION

Under what circumstances may board members suggest items to be printed in the district's newsletter?

CONCLUSION

The mass mailing provisions of the Act do not prevent board members from suggesting items to be printed in the district's newsletter. If board members suggest items to be printed in the newsletter, the newsletter will be deemed to be prepared in co-operation, consultation, coordination or concert with the board

¹ Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

² Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Government Code Section 83114; 2 Cal. Code of Regs. Section 18329(c)(3).)

members. Therefore, it may not contain the name, office or other reference to the board members or their photographs.

FACTS

You are the general manager of the Rossmoor Community Services District. One of the board members, Gustave Brickman, wants to know if board members can suggest items, at an open board meeting or otherwise, to be printed in the district's newsletter. The suggestions would relate to items about which the public should be informed or items of interest to residents of the community. The items suggested would have nothing to do with individual board members. For example, one item might concern the problem of vehicles parking on the street on street sweeping days.

ANALYSIS

Section 89001 of the Act provides that "no newsletter or other mass mailing shall be sent at public expense." A mass mailing is defined as two hundred or more substantially similar pieces of mail. (Section 82041.5.) Regulation 18901 clarifies that the purpose of Section 89001 is to prevent elected officers from using public funds to send out newsletters and other mass mailings at public expense.

We have previously advised your district that a mass mailing may not be sent at public expense by a community services district if it contains the name, office, photograph or any other reference to an elected officer of the district and is prepared or sent in cooperation, consultation, coordination or concert with the elected officer. (Regulation 18901(c)(2); Aleshire Advice Letter, No. I-89-539, copies enclosed.)³

We believe that suggestions from board members as to the contents of the district's newsletter result in the newsletter being prepared in cooperation, consultation, coordination or concert with the board members. Therefore, the newsletter may not contain the name, office, photograph or any other reference to the board members, except as otherwise permitted by the regulation. For example, the names of the board members may be listed in a roster listing of the district officials in which all are listed in the same typeface, type size and location in the layout of the newsletter. (Regulation 18901(e); Krannawitter Advice Letter, No. A-89-300, copy enclosed.)⁴

³ At its meeting of December 13, 1989, the Commission adopted a new version of Regulation 18901. A copy of the revised regulation is enclosed for your review. We are not yet advising pursuant to the new regulation. In this instance, our advice would not change under the revised version of the regulation.

⁴ The revised version of Regulation 18901 also requires that the listing be in the same type color.

It should be noted that this advice does not prevent members from making suggestions for the newsletter or prevent the newsletter from being prepared and sent at public expense. It merely limits references to the elected officer.

I trust that this letter clarifies the application of the mass mailing provisions of the Act with respect to your question. If you have any further questions, please contact me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan
General Counsel



By: Margaret W. Ellison
Counsel, Legal Division

KED/MWE/aa

Enclosures



ROSSMOOR COMMUNITY SERVICES DISTRICT

3232 HEDWIG ROAD, ROSSMOOR, CA 90720 / (213) 430-3707

November 15, 1989

Gregory W. Baugher
Executive Director
California Fair Political Practices Commission
P.O. Box 807
Sacramento, CA 95804-0807

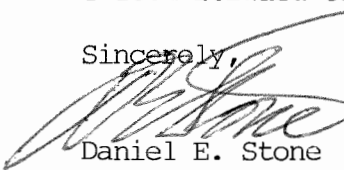
RE: Rossmoor Community Services District Newsletter.

Dear Mr. Baugher,

Rossmoor Community Services District Board Member Gustave Brickman wants to know if board members can suggest items, at an open Board Meeting or otherwise, to be printed in the District's Newsletter if the items are things that the District should be informing the public about or if the items are of interest to residents of the community and have nothing to do with individual board members. For instance, printing an item about a problem in the District of vehicles parking on the street on the District's street sweeping days.

I look forward to your reply.

Sincerely,


Daniel E. Stone
General Manager

cc: Rossmoor Community Services District Board

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California Fair Political Practices Commission

November 20, 1989

Daniel E. Stone
General Manager, Rossmoor Community
Services District
3232 Hedwig Road
Rossmoor, CA 90720

Re: Letter No. 89-670

Dear Mr. Stone:

Your letter requesting advice under the Political Reform Act was received on November 20, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact John McLean an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Kathryn E. Donovan
General Counsel

KED:plh